

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE: NEW ENGLAND COMPOUNDING)
PHARMACY, INC. PRODUCTS LIABILITY)
LITIGATION)
________________________________)
THIS DOCUMENT RELATES TO:)
________________________________)
All Suits Naming the Nashville Healthcare)
Defendants)
________________________________)

MDL No. 13-2419
Docket # 1:13-md-2419-RWZ

DEFENDANTS' NOTICE OF EXERCISE OF BELLWETHER STRIKES

The “Nashville Healthcare Defendants”¹ file this Notice of Exercise of Bellwether Strikes in accordance with the Court’s order of July 9, 2015 (Docket #2075) (“July 9 Order”). At the October 14, 2015, Status Conference, Judge Boal requested that the parties work together on a scheduling order for case-specific discovery on the bellwether candidate cases, and accordingly, the Plaintiffs’ Steering Committee (“PSC”) and the Nashville Healthcare Defendants have discussed ways to streamline the case-specific discovery process.

The Court’s existing procedures enable the parties to narrow the number of bellwether candidate cases for further discovery and case-specific development on page 5 of its July 9 Order. The parties have four strikes per “side” that must be exercised on or before October 30, 2015 (although the deadline may be extended based on the parties’ proposed bellwether discovery scheduling order(s), to be filed Monday).

With this document, the Nashville Healthcare Defendants therefore jointly give notice to the Court and all parties that they are exercising two of their strikes under the Court’s July 9 Order as to the following bellwether candidate cases:

¹ Defendants Saint Thomas Outpatient Neurosurgical Center, LLC; Howell Allen Clinic, a Professional Corporation; John Culclasure, MD; Debra Schamberg, RN; Vaughan Allen, MD; Saint Thomas West Hospital f/k/a St. Thomas Hospital; Saint Thomas Health; and Saint Thomas Network.

1. *Reed v. Ameridose, et. al.*, 1:13-cv-12565
2. *Rybinski v. Ameridose, et al.*, 1:13-cv-12818

The Nashville Defendants reserve their remaining two strikes under the Court's July 9

Order pending further notice.

Respectfully submitted,

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* Admitted pursuant to MDL Order No. 1.

** Admitted *pro hac vice*.

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the CM/ECF system will be served electronically to the registered participants identified on the Notice of Electronic Filing on this 19th day of October, 2015.

/s/ Sarah P. Kelly

Sarah P. Kelly